

A BILL TO BE ENTITLED
AN ACT

To amend Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to comprehensive state-wide water management planning, so as to change certain provisions relating to a policy statement for comprehensive state-wide water management planning, guiding principles, and requirements of plans; to regulate interbasin and intrabasin transfers of water; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to comprehensive state-wide water management planning, is amended by revising subsection (e) of Code Section 12-5-522, relating to a policy statement for comprehensive state-wide water management planning, guiding principles, and requirements of plans, as follows:

"(e) The division shall make all water withdrawal permitting decisions in accordance with this chapter, the comprehensive state-wide water management plan that has been approved or enacted by the General Assembly as provided by this article, and any applicable regional water development and conservation plan, including, but not limited to, restrictions, ~~if any,~~ on diversion from or reduction of flows in other watercourses in accordance with Code Section 12-5-522.1. Any political subdivision or local water authority that is not in compliance with the plan shall be ineligible for state grants or loans for water projects, except for those projects designed to bring such political subdivision or local water authority into compliance with the plan."

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

"12-5-522.1.

(a) As used in this Code section, the term:

(1) 'Donor basin' means a river basin from which a withdrawal or diversion of water occurs in an interbasin transfer.

(2) 'Interbasin transfer' means a withdrawal or diversion of water from one river basin followed by use or return of some or all of that water to a different river basin.

(3) 'Intrabasin transfer' means a withdrawal or diversion of water from a point within a subbasin within a river basin followed by the use and discharge of some portion of that water into a second subbasin within the same river basin.

(4) 'Raw water interbasin transfer' means an interbasin transfer of untreated water for treatment, use, and disposal in the receiving basin.

(5) 'Receiving basin' means a river basin to which all or a portion of water from another river basin is diverted and returned in an interbasin transfer.

(b)(1) Interbasin transfers may be permitted to meet water needs in areas facing limitations on their water resources, as indicated when the forecast consumption of water from a specific source approaches the defined consumptive use assessment, as long as the transfer does not unreasonably foreclose opportunities for water use in the donor basin.

(2) An application for a new or modified water withdrawal permit that would involve a new or increased interbasin transfer of raw water shall not be granted until consumptive use assessments have been completed for the affected water sources, and water development and conservation plans which identify the need for such transfers have been completed for the affected water planning regions.

(3) In evaluating an application for a new or modified water withdrawal permit that would involve a new or increased interbasin transfer, the director shall review and consider:

(A) Donor basin considerations, including but not limited to:

(i) The quantity of the proposed withdrawal and the stream flow of the donor basin, with special consideration for dry years and low-flow conditions;

(ii) The current and reasonably foreseeable future water needs of the donor basin, with special consideration for dry years and low-flow conditions;

(iii) Protection of water quality in the donor basin, with special consideration for dry years and low-flow conditions;

(iv) Any offsetting increases in flow in the donor basin that may be arranged through permit conditions;

(v) The number of downstream river miles from which water will be diverted as a result of the transfer; and

(vi) The connection between surface water and ground water in the donor basin and the effect of the proposed transfer on either or both;

(B) Receiving basin considerations, including but not limited to:

(i) Determination of whether or not the applicant's proposed use is reasonable, including consideration of whether the applicant has implemented water conservation practices and achieved reasonable water conservation goals;

(ii) Assessment of the waste-water treatment capacity of the receiving basin;

(iii) The supply of water presently available to the receiving basin as well as the estimates of overall current water demand and the reasonable foreseeable future water needs of the receiving basin;

(iv) The beneficial impact of any proposed transfer and the demonstrated capability of the applicant to effectively implement its responsibilities under the requested permit;

(v) The impact of the proposed transfer on water conservation;

(vi) The applicant's efforts to explore all reasonable options for use of reclaimed water and recycling of available resources to meet the needs of the receiving basin; and

(vii) Assessment of the adequacy of treatment capacity and current water quality conditions; and

(C) Considerations affecting both basins, including but not limited to:

(i) The economic feasibility, cost effectiveness, and environmental effects of the proposed transfer in relation to alternative sources of water supply;

(ii) The cumulative effects of the current and proposed interbasin transfers in each basin;

(iii) The requirements of the state and federal agencies with authority related to water resources;

(iv) The availability of water for responding to emergencies, including but not limited to drought, in the donor basin and the receiving basin;

(v) The effects, whether beneficial or detrimental, on offstream and instream uses;

(vi) The quantity, quality, location, and timing of water returned to the donor basin, receiving basin, and basins downstream;

(vii) Effects on interstate water use;

(viii) The cumulative effect on the donor basin and the receiving basin of any water transfer or consumptive use that is authorized or forecast; and

(ix) Such other factors as are reasonably necessary to carry out the purposes of this chapter.

(4) Interbasin transfers of water that occur in connection with mining, conveying, processing, sale, or shipment of minerals or other products transported for further processing or sale shall be exempt from limitations on interbasin transfers provided by this subsection.

(c)(1) Intrabasin transfers may continue to be undertaken to meet such practical water needs as are necessary for a water provider to meet the reasonable needs of users within its service area.

(2) If an application is made for a new or modified water withdrawal permit that would involve a new or increased intrabasin transfer that is to cross the jurisdictional boundaries of more than four counties, it shall not be granted until consumptive use assessments have been completed for the affected water sources, and water development and conservation plans which identify the need for such transfers have been completed for the affected water planning regions.

(3) Intrabasin transfers of water that occur in connection with mining, conveying, processing, sale, or shipment of minerals or other products transported for further processing or sale shall be exempt from limitations on intrabasin transfers provided by this subsection."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.